



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: T. Erik Mirkov et al.  
 Serial No.: 10/751,612  
 Date Filed: January 5, 2004  
 Group Art Unit: 1638  
 Examiner: Samson, Maria Teresa D.  
 Title: *Stem-Regulated, Plant Defense Promoter and Uses Thereof in Tissue-Specific Expression in Monocots*

MAIL STOP AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service as Express Mail No. EV351287717US addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Angela Loding  
 Angela Loding  
 2-16-05  
 Date

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Applicants respectfully request, pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified application. Since the present Application was filed after June 30, 2003, a copy of any U.S. Patent and any U.S. Patent Application Publication cited on the attached PTO Form 1449 is not being submitted with this Information Disclosure Statement pursuant to the July 11, 2003 waiver of 37 C.F.R. §1.98(A)(2)(i) by the U.S. Patent and Trademark Office.

Furthermore, pursuant to 37 C.F.R. §§1.97(g) and (h), no representation is made that these references are material to the patentability of the present application.

Applicants believe no fees are due however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P. in order to effectuate this filing.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants



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Reg. No. 46,861

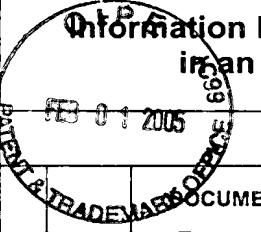
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 <b>Information Disclosure Citation in an Application</b>	Application No.	Applicant(s)		
	10/751,612	T. Erik Mirkov et al.		
	Docket Number	Group Art Unit	Filing Date	
	017575.0774	1638	January 5, 2004	

## U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A.	5712112	1/27/98	Yu et al.	435	69.1	11/22/94
B.	6359196	3/19/02	Lok et al.	800	278	9/23/99
C.	5510474	4/23/96	Quail et al.	536	24.1	4/25/94
D.	5641876	6/24/97	McElroy et al.	536	24.1	10/27/93
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G.						
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K.	Altschul, et al., <i>Gapped BLAST and PSI-BLAST: a new generation of protein database search programs</i> , Nucleic Acids Research, Vol. 25, No. 17, pp. 3389-3942	1997
L.	Barton, et al., <i>Regeneration of Intact Tobacco Plants Containing Full Length Copies of Genetically Engineered T-DNA, and Transmission of T-DNA to RI Progeny</i> , Cell, Vol. 32, 1033-1043	1983
M.	Chen, et al., <i>LABORATORY METHODS Supercoil Sequencing: A Fast and Simple Method for Sequencing Plasmid DNA</i> , DNA, Vol. 4, No. 2, pp. 165-170	1985
N.	Damaj, et al., <i>Functional Genomics in Sugarcane: Macro- and Microarray Analyses to Determine the Tissue-specific Expression of Candidate Genes</i> , Plant, Animal & Microbe Genome X Conference (abstract only)	1/2002
O.	Damaj, et al., <i>Isolation of Tissue Specific Promoters to Engineer Sugarcane for Improved Argonomic Traits</i> , Plant, Animal & Microbe Genome X Conference, (abstract only)	1/2001
P.	Hajdukiewicz, et al., <i>The small, versatile pPXP family of Agrobacterium binary vectors for plant transformation</i> , Plant Molecular Biology 25, pp. 989-994	1994
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EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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J.	Horsch, et al., <i>Inheritance of Functional Foreign Genes in Plants</i> , Science, Vol. 223, pp. 496-498	1984
K.	Horsch, et al., <i>A simple and General Method for Transferring Genes into Plants</i> , Science, Vol. 227, pp. 1229-1231	1985
L.	Huang, et al., <i>The tissue-specific activity of a rice beta-glucanase promoter (Gns9) is used to select rice transformants</i> , Plant Science, 161, pp. 589-595	2001
M.	Ingelbrecht, et. al., <i>Posttranscriptional Gene Silencing in Transgenic Sugarcane. Dissection of Homology-Dependent Virus Resistance in a Monocot That Has a Complex Polyploid Genome</i> , Plant Physiology, Vol. 119, pp. 1187-1197	April, 1999
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O.	Ito, et al., <i>Xylem-specific expression of wound-inducible rice peroxidase genes in transgenic plants</i> , Plant Science, 155, pp. 85-100	2000
P.	Jach, et al., <i>Enhanced quantitative resistance against fungal disease by combinatorial expression of different barley antifungal proteins in transgenic tobacco</i> , The Plant Journal 8(1), 97-109	1995
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K.	Klein, et al., <i>High-velocity microprojectiles for delivering nucleic acids into living cells</i> , Nature, Vol. 327, pp. 70-73	May 1987
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N.	Muhitch, et al., <i>Isolation of a promoter sequence from the glutamine synthetase 1-2 gene capable of conferring tissue-specific gene expression in transgenic maize</i> , Plant Science, 163, pp. 865-872	2002
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K.	van der Krol, et al., <i>Inhibition of flower pigmentation by antisense CHS genes: promoter and minimal sequence requirements for the antisense effect</i> , Plant Molecular Biology, 14, pp. 457-466	1990
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M.	Wei, et al., <i>Differential Expression of Sugarcane Polyubiquitin Genes and Isolation of Promoters from two Highly-Expressed Members of the Gene Family</i> , J. Plant Physiol. Vol. 155, pp. 513-519	1999
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